

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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INDEPENDENT ASSET MANAGEMENT LLC))	Case No. 1:07-cv-06431-JSR
and OLA HOLMSTROM,)	
)	
Plaintiffs,)	ECF
)	
vs.)	
)	
)	DEFENDANT'S NOTICE OF
DANIEL ZANGER,)	MOTION TO DISMISS THE
)	COMPLAINT
Defendant.)	
)	
)	
-----	X	

PLEASE TAKE NOTICE that upon the accompanying Declaration of defendant Daniel Zanger's ("Defendant") counsel, Matthew E. Szwajkowski, Esq., sworn to on September 14, 2007, the exhibits annexed thereto, the accompanying Memorandum of Law in Support Of Defendant's Motion To Dismiss The Complaint, and upon all the prior proceedings and matters of record in this case, Defendant will move the Court before the Honorable Jed S. Rakoff, United States District Court Judge for the Southern District of New York, in Courtroom 14-B, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, on October 4, 2007, at 4:00 p.m., for an order:

- (1) Pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the claims set forth in the Complaint; and
- (2) for such other and further relief as the Court deems just and proper.

Pursuant to the schedule established by the Court, plaintiffs Independent Asset Management LLC and Ola Holmstrom shall serve their opposition on, or before, September 25,

2007. Defendants shall serve any reply on, or before, September 28, 2007.

Dated: September 14, 2007

Respectfully submitted,

s/ Matthew E. Szwajkowski

Thomas H. Sear (TS-5570)

Matthew E. Szwajkowski (MS-8362)

JONES DAY

222 East 41st Street

New York, NY 10017-6702

Telephone: (212) 326-3939

Facsimile: (212) 755-7306

mszwajkowski@jonesday.com

Attorneys for Defendant Daniel Zanger

CERTIFICATE OF SERVICE

The foregoing document was served on the following counsel of record on September 14, 2007 via the method listed below:

E-Mail, Federal Express, and Hand Delivery

John Balestriere
Craig Stuart Lanza
Balestriere PLLC
225 Broadway, Suite 2700
New York, NY 10007
clanza@balestriere.net

s/ Matthew E. Szwajkowski